

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/10/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

JAMES KELLY,

Defendant.

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GREGORY H. WOODS, United States District Judge:

1:23-cr-113-GHW

ORDER

On July 7, 2023, the Court entered an order scheduling trial in this matter. Dkt. No. 25. That order also contained deadlines for the submission of the defendant's pretrial motions. On August 23, 2023, at the defendant's request, the Court adjourned the trial and extended the deadlines for his pretrial motions. Dkt. No. 34. On September 7, 2023, at the defendant's request the Court extended the deadlines for the filing of any pretrial motions to October 20, 2023. Dkt. No. 37 (the "September Order"). And on October 19, 2023, the Court granted another request by the defendant to extend the deadline to file pretrial motions Dkt. No. 43. As a result, the deadline for the defendant to file any pretrial motions was October 27, 2023.

Defendant did not file any pretrial motions by the deadline established by the Court. No request was made to extend that deadline. The Court understands that there will be no such motions. As a result, there is no need for the hearing scheduled for January 4, 2023. That hearing is adjourned *sine die*.

Shortly after 10:00 p.m. on November 9, 2023, the defendant filed an application requesting an adjournment of the deadline for pretrial submissions in this case. Dkt. No. 44 (the "Application"). The Application is granted in part as follows. The pretrial materials required by Rule 6 of the Court's Individual Rules of Practice in Criminal Cases (the "Criminal Rules"),

including motions in limine, are due no later than November 20, 2023. If any motions in limine are filed, opposition papers are due no later than seven days after the date of service of the motion. Reply papers, if any, are due no later than four days after the date of service of the opposition. Courtesy copies of motions in limine should be submitted when the motions are fully briefed. The United States is further directed to provide written notice to the defendant of any evidence it expects to introduce pursuant to Federal Rule of Evidence 404(b) by no later than (a) November 13, 2023, for any Rule 404(b) evidence that the Government will not address through its affirmative motions in limine and/or (b) November 20, 2023, for any 404(b) evidence that the Government will address through its affirmative motions in limine. The parties are further directed to submit: (1) a proposed brief description of the case, to be read to the venire and (2) a brief, mutually acceptable overview of the applicable law, to be read to the jury as part of the Court's initial instructions prior to opening statements, no later than November 20, 2023. If the parties are unable to agree on the language of such a short overview, they are directed to notify the Court of that fact by the same date. All other deadlines, including deadlines that have expired and that were not the subject of an extension request in the Application, remain in full force and effect.

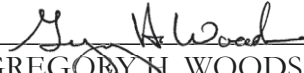
The Court knows that this schedule may require work by the parties during the Thanksgiving holiday period. It would not have been needed had the parties complied with the extended schedule in effect prior to the Application. A further adjournment would not provide the Court sufficient time to prepare for the final pretrial conference given the Court's trial schedule.

The parties are directed to review and comply with the Criminal Rules, which require, among other things, that requests for adjournments and extensions of time be made no less than two business days prior to the date sought to be extended. Because the Application was submitted after 10:00 p.m. on a Thursday immediately preceding a federal holiday and a weekend, and the deadline sought to be extended is the following Monday, the parties failed to comply with those Rules.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 44.

SO ORDERED.

Dated: November 10, 2023

  
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GREGORY H. WOODS  
United States District Judge